

FREDERICK COUNTY ETHICS COMMISSION

FREDERICK COUNTY, MARYLAND

OFFICE OF THE COUNTY ATTORNEY

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FREDERICK COUNTY ETHICS COMMISSION

ADVISORY OPINION 11-01

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On March 2, 2011, the Ethics Commission received a request for an Advisory Opinion from a former member of the Board of County Commissioners. As noted in the opinion request, the Board of County Commissioners provided an individual with partial financing for the purchase of a farm in Frederick County. In exchange for the financing, the purchaser agreed to place an agricultural land preservation easement on the farm. A representative of the property owner has recently filed one or more applications with the County to subdivide the farm. Although County staff advised the property owner that his farm was not eligible for subdivision because of the easement, the property owner has pursued the matter with the Board of County Commissioners.

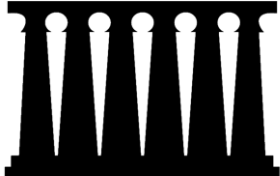
The former Commissioner, who was a member of the Board of County Commissioners when the financing was approved and the easement was granted, is now considering “act[ing] as an uncompensated representative of another who opposes the subdivision of the farm in violation of the easement.” He has asked for an Advisory Opinion as to whether such activity would violate Section 1-7.1-4(G) of the Ethics Ordinance.

Section 1-7.1-4(G) provides that:

All Frederick County officials and employees shall not:

- (G) Within 1 year following termination of Frederick County service, act as compensated representatives of another in dealing with the county in connection with any specific matter in which they participated substantially as a county official or employee.

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Given that the former Commissioner proposes to serve as an *uncompensated* representative of another in this matter, the Ethics Commission finds that the proposed conduct would not violate Section 1-7.1-4(G) of the Ethics Ordinance.

March 21, 2011

Date

/s/

Karl W. Bickel, Member

/s/

Paula C. Bell, Member

/s/

E. Donald Foster, Alternate Member